

Executive Summary – Enforcement Matter – Case No. 51873
Horsemans Ranch Morgan Mill Homeowners Association Incorporated
RN104497441
Docket No. 2016-0223-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

Horsemans Ranch Stephenville, located on an unnamed road, approximately 1.5 miles north of the intersection of U.S. Highway 281 and County Road 144 near Stephenville, Erath County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 13, 2016

Comments Received: No

Penalty Information

Total Penalty Assessed: \$550

Amount Deferred for Expedited Settlement: \$0

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$550

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project ("SEP") Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - N/A

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: \$19

Applicable Penalty Policy: April 2014

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Horsemans Ranch Morgan Mill Homeowners Association Incorporated
RN104497441
Docket No. 2016-0223-PWS-E

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 25, 2016 through February 5, 2016

Date(s) of NOE(s): February 5, 2016

Violation Information

1. Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter [30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3)].
2. Failed to collect a raw groundwater source *Escherichia coli* sample from the Facility's two active sources within 24 hours of being notified of a distribution total coliform positive result [30 TEX. ADMIN. CODE § 290.109(c)(4)(B)].
3. Failed to mail consumer notification of lead tap water monitoring results to persons served at the locations that were sampled and failed to submit to the TCEQ a copy of the consumer notification and certification that the consumer notification has been distributed to the persons served at the locations in a manner consistent with TCEQ requirements [30 TEX. ADMIN. CODE § 290.117(i)(6) and (j)].
4. Failed to meet the adequacy, availability, and/or content requirements for the Consumer Confidence Report ("CCR") [30 TEX. ADMIN. CODE §§ 290.272 and 290.274(a)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 10 days, begin complying with applicable coliform monitoring requirements by collecting on raw groundwater source *Escherichia coli* sample from each groundwater source in use at the time the distribution coliform-positive sample was collected and providing water that meets the provisions regarding microbial contaminants. This provision will be satisfied upon six months of compliant monitoring and reporting.

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b. Within 30 days:

- i. Mail one copy of the consumer notification of lead tap water monitoring results to persons served at the locations that were sampled for the January 1, 2013 through June 30, 2013 and July 1, 2013 through December 31, 2013 monitoring periods in which lead samples were collected;
- ii. Mail or directly deliver one copy of the complete and accurate CCR prepared using the compliance monitoring data for the year 2014 to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers; and
- iii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs.

c. Within 45 days:

- i. Submit written certification to demonstrate compliance with b;
- ii. Submit to the Commission a copy of the CCRs provided to customers of the Facility and the certification that the CCRs have been distributed to the customers of the Facility and that the information in the CCRs is correct and consistent with the compliance monitoring data; and
- iii. Submit to the Commission a copy of the consumer notification provided to persons served at the locations that were sampled for lead and the certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements.

d. Within 60 days, submit written certification to demonstrate compliance with c.ii. and c.iii.

e. Within 90 days, begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter. This provision will be satisfied upon two consecutive quarters of compliant reporting.

f. Within 205 days, submit written certification to demonstrate compliance with a.

g. Within 285 days, submit written certification e.

Executive Summary – Enforcement Matter – Case No. 51873
Horseman's Ranch Morgan Mill Homeowners Association Incorporated
RN104497441
Docket No. 2016-0223-PWS-E

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Contact Information

TCEQ Attorney: N/A
TCEQ Enforcement Coordinator: Jason Fraley, Enforcement Division,
Enforcement Team 2, MC 169, (512) 239-2552; Michael Parrish, Enforcement Division,
MC 219, (512) 239-2548
TCEQ SEP Coordinator: N/A
Respondent: Nicki Zimmerman, Business Manager, Horseman's Ranch Morgan Mill
Homeowners Association Incorporated, 27375 North U.S. Highway 281, Stephenville,
Texas 76401-7655
Larry Jones, President, Horseman's Ranch Morgan Mill Homeowners Association
Incorporated, 27375 North U.S. Highway 281, Stephenville, Texas 76401-7655
Respondent's Attorney: N/A



Policy Revision 4 (April 2014)

Penalty Calculation Worksheet (PCW)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	8-Feb-2016	Screening	9-Feb-2016	EPA Due	31-Mar-2016
	PCW	17-Feb-2016				

RESPONDENT/FACILITY INFORMATION

Respondent	Horsemans Ranch Morgan Mill Homeowners Association Incorporated		
Reg. Ent. Ref. No.	RN104497441		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	51873	No. of Violations	4
Docket No.	2016-0223-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jason Fraley
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$425
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	25.0%	Adjustment	Subtotals 2, 3, & 7	\$106
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Notes Enhancement for five NOV's with same/similar violations.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$153
Estimated Cost of Compliance	\$429

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$531
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$531
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$550
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$550
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Screening Date 9-Feb-2016

Docket No. 2016-0223-PWS-E

PCW

Respondent Horsemans Ranch Morgan Mill Homeowners Association Incorporated

Policy Revision 4 (April 2014)

Case ID No. 51873

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN104497441

Media [Statute] Public Water Supply

Enf. Coordinator Jason Fraley

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 25%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for five NOVs with same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 25%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 25%

Screening Date 9-Feb-2016

Docket No. 2016-0223-PWS-E

PCW

Respondent Horsemans Ranch Morgan Mill Homeowners Association Incorporated

Policy Revision 4 (April 2014)

Case ID No. 51873

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN104497441

Media [Statute] Public Water Supply

Enf. Coordinator Jason Fraley

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.110(e)(4)(A) and (f)(3)

Violation Description

Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director by the tenth day of the month following the end of each quarter for the first through third quarters of 2015.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Harm	Minor
Actual		Moderate	
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 3

272 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$150

Three single events are recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$81

Violation Final Penalty Total \$188

This violation Final Assessed Penalty (adjusted for limits) \$188

Economic Benefit Worksheet

Respondent Horsemans Ranch Morgan Mill Homeowners Association Incorporated

Case ID No. 51873

Reg. Ent. Reference No. RN104497441

Media Public Water Supply

Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	25-Jan-2016	17-Jul-2017	1.48	\$3	n/a	\$3
Training/Sampling	\$100	25-Jan-2016	17-Jul-2017	1.48	\$7	n/a	\$7
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to update the Facility's operational guidance, process procedures, and conduct employee training to ensure that the self-reporting requirements are properly accomplished, including the timely submittal of signed and certified DLQORs calculated from the record review date to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$66	10-Apr-2015	10-Oct-2015	1.42	\$5	\$66	\$71
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and submit DLQORs (\$22 per report x three missed reports). Date required is the date the report was due for the first quarter of 2015. Final date is the date the report was due for the third quarter of 2015.

Approx. Cost of Compliance

\$211

TOTAL

\$81

Screening Date 9-Feb-2016

Docket No. 2016-0223-PWS-E

PCW

Respondent Horsemans Ranch Morgan Mill Homeowners Association Incorporated

Policy Revision 4 (April 2014)

Case ID No. 51873

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN104497441

Media [Statute] Public Water Supply

Enf. Coordinator Jason Fraley

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.109(c)(4)(B)

Violation Description

Failed to collect a raw groundwater source Escherichia coli sample from the Facility's two active sources within 24 hours of being notified of a distribution total coliform positive result in December 2011.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Harm Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes Failing to perform raw groundwater source monitoring could result in customers of the Facility being exposed to undetected contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1

31 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$150

One monthly event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$50

Violation Final Penalty Total \$188

This violation Final Assessed Penalty (adjusted for limits) \$188

Economic Benefit Worksheet

Respondent Horsemans Ranch Morgan Mill Homeowners Association Incorporated

Case ID No. 51873

Reg. Ent. Reference No. RN104497441

Media Public Water Supply

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$50	15-Dec-2011	16-Dec-2011	0.00	\$0	\$50	\$50
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to collect one raw groundwater source sample from each active source (\$25 per sample x two sources), calculated for the 24-hour period following the coliform-positive result.

Approx. Cost of Compliance

\$50

TOTAL

\$50

Screening Date 9-Feb-2016

Docket No. 2016-0223-PWS-E

PCW

Respondent Horsemans Ranch Morgan Mill Homeowners Association Incorporated

Policy Revision 4 (April 2014)

Case ID No. 51873

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN104497441

Media [Statute] Public Water Supply

Enf. Coordinator Jason Fraley

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.117(i)(6) and (j)

Violation Description

Failed to mail consumer notification of lead tap water monitoring results to persons served at the locations that were sampled and failed to submit to the TCEQ a copy of the consumer notification and certification that the consumer notification has been distributed to the persons served at the locations in a manner consistent with TCEQ requirements for the January 1, 2013 through June 30, 2013, and July 1, 2013 through December 31, 2013 monitoring periods.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2

364 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

Two single events are recommended, one for each monitoring period.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$17

Violation Final Penalty Total \$125

This violation Final Assessed Penalty (adjusted for limits) \$125

Economic Benefit Worksheet

Respondent Horsemans Ranch Morgan Mill Homeowners Association Incorporated

Case ID No. 51873

Reg. Ent. Reference No. RN104497441

Media Public Water Supply

Violation No. 3

Percent Interest 5.0
Years of Depreciation 15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$105	30-Sep-2013	4-Dec-2016	3.18	\$17	n/a	\$17
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to prepare and mail the consumer notification for the January 1, 2013 through June 30, 2013 and July 1, 2013 through December 31, 2013 monitoring periods to persons served at the locations that were sampled and to the TCEQ $([\$0.50 \times \text{five sampled locations}] + \$50) \times \text{two monitoring periods}$, calculated from the date the first notification was due to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$105

TOTAL

\$17

Screening Date 9-Feb-2016

Docket No. 2016-0223-PWS-E

PCW

Respondent Horsemans Ranch Morgan Mill Homeowners Association Incorporated

Policy Revision 4 (April 2014)

Case ID No. 51873

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN104497441

Media [Statute] Public Water Supply

Enf. Coordinator Jason Fraley

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code §§ 290.272 and 290.274(a)

Violation Description

Failed to meet the adequacy, availability, and/or content requirements for the Consumer Confidence Report ("CCR") for the year of 2014. Specifically, the CCR did not include the following: aquifer name, disinfectant residual data and violations. In addition, language for the Source Water Assessment was incorrect.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
		x	

Percent 2.5%

Matrix Notes

Between 30% and 70% of the rule requirements were not met.

Adjustment \$975

\$25

Violation Events

Number of Violation Events 1

365 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$25

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$25

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$31

This violation Final Assessed Penalty (adjusted for limits) \$50

Economic Benefit Worksheet

Respondent Horsemans Ranch Morgan Mill Homeowners Association Incorporated

Case ID No. 51873

Reg. Ent. Reference No. RN104497441

Media Public Water Supply

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$63	1-Jul-2015	4-Dec-2016	1.43	\$4	n/a	\$4

Notes for DELAYED costs

The delayed cost includes the estimated amount to prepare and mail or directly deliver the complete and accurate 2014 CCR to the customers of the Facility and to the TCEQ $((\$0.50 \times 25 \text{ connections}) + \$50) \times \text{one year}$, calculated from the date the 2014 CCR was due to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$63

TOTAL

\$4



TCEQ Compliance History Report

PUBLISHED Compliance History Report for CN603462433, RN104497441, Rating Year 2015 which includes Compliance History (CH) components from September 1, 2010, through August 31, 2015.

Customer, Respondent, or Owner/Operator: CN603462433, Horsemans Ranch Morgan Mill Homeowners Association Incorporated
Classification: NOT APPLICABLE **Rating:** N/A
Regulated Entity: RN104497441, Horsemans Ranch Stephenville
Classification: NOT APPLICABLE **Rating:** N/A
Complexity Points: N/A **Repeat Violator:** N/A
CH Group: 14 - Other
Location: ON AN UNNAMED ROAD, APPROXIMATELY 1.5 MILES NORTH OF THE INTERSECTION OF UNITED STATES HIGHWAY 281 AND COUNTY ROAD 144 NEAR STEPHENVILLE, ERATH COUNTY, TEXAS
TCEQ Region: REGION 04 - DFW METROPLEX
ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0720045
Compliance History Period: September 01, 2010 to August 31, 2015 **Rating Year:** 2015 **Rating Date:** 09/01/2015
Date Compliance History Report Prepared: February 09, 2016
Agency Decision Requiring Compliance History: Enforcement
Component Period Selected: February 09, 2011 to February 09, 2016
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Jason Fraley **Phone:** (512) 239-2552

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):
Item 1 April 07, 2011 (906536)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- | | | |
|---|---|--------------------------|
| 1 | Date: 06/26/2015 (1308198) | CN603462433 |
| | Self Report? NO | Classification: Moderate |
| | Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3) | |
| | Description: DLQOR MR 1Q2015 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2015 within the required timeline. | |
| 2 | Date: 10/06/2015 (1308198) | CN603462433 |
| | Self Report? NO | Classification: Moderate |
| | Citation: 30 TAC Chapter 290, SubChapter H 290.272
30 TAC Chapter 290, SubChapter H 290.273
30 TAC Chapter 290, SubChapter H 290.274(a)
30 TAC Chapter 290, SubChapter H 290.274(c) | |
| | Description: CCR 2014 - The system's Consumer Confidence Report (CCR) failed to meet the adequacy, availability, and/or content requirements for the 2014 CCR year. | |
| 3 | Date: 10/09/2015 (1308198) | CN603462433 |
| | Self Report? NO | Classification: Moderate |
| | Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3) | |
| | Description: DLQOR MR 2Q2015 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 2nd quarter of 2015 within the required timeline. | |
| 4 | Date: 01/08/2016 (1308198) | CN603462433 |
| | Self Report? NO | Classification: Moderate |
| | Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)
30 TAC Chapter 290, SubChapter F 290.117(j) | |
| | Description: LCR LCN - The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during 2nd 6M2013.
*Can find monitoring period in comments of the violation in SDWIS. For reduced LCR schedules the monitoring period is always from June 1st to September 30th. | |
| | Self Report? NO | Classification: Moderate |
| | Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)
30 TAC Chapter 290, SubChapter F 290.117(j) | |
| | Description: LCR LCN - The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during 1st 6M2013.
*Can find monitoring period in comments of the violation in SDWIS. For reduced LCR schedules the monitoring period is always from June 1st to September 30th. | |
| 5 | Date: 01/20/2016 (1308198) | CN603462433 |
| | Self Report? NO | Classification: Moderate |
| | Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3) | |
| | Description: DLQOR MR 3Q2015 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 3rd quarter of 2015 within the required timeline. | |

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

All NOV's Issued During Component Period 2/9/2011 and 2/9/2016

Page 4

Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(2)
Description: Failure to provide a lock on the ground storage tank hatch.
EIC B15 MOD(2)(G)

4* Date: 06/26/2015 (1308198) CN603462433

Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 1Q2015 - The system failed to monitor and/or report distribution
disinfectant residuals to the TCEQ for the 1st quarter of 2015 within the required
timeline.

5 Date: 10/06/2015 (1308198) CN603462433

Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter H 290.272
30 TAC Chapter 290, SubChapter H 290.273
30 TAC Chapter 290, SubChapter H 290.274(a)
30 TAC Chapter 290, SubChapter H 290.274(c)
Description: CCR 2014 - The system's Consumer Confidence Report (CCR) failed to meet the
adequacy, availability, and/or content requirements for the 2014 CCR year.

6 Date: 10/09/2015 (1308198) CN603462433

Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 2Q2015 - The system failed to monitor and/or report distribution
disinfectant residuals to the TCEQ for the 2nd quarter of 2015 within the required
timeline.

7 Date: 01/08/2016 (1308198) CN603462433

Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)
30 TAC Chapter 290, SubChapter F 290.117(j)
Description: LCR LCN - The system failed to provide a consumer notice of lead tap water
monitoring results to persons served at the sites (taps) that were tested during
2nd 6M2013.
*Can find monitoring period in comments of the violation in SDWIS. For reduced
LCR schedules the monitoring period is always from June 1st to September 30th.

Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)
30 TAC Chapter 290, SubChapter F 290.117(j)
Description: LCR LCN - The system failed to provide a consumer notice of lead tap water
monitoring results to persons served at the sites (taps) that were tested during
1st 6M2013.
*Can find monitoring period in comments of the violation in SDWIS. For reduced
LCR schedules the monitoring period is always from June 1st to September 30th.

8 Date: 01/20/2016 (1308198) CN603462433

Classification: Moderate

Self Report? NO For Informational Purposes Only
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(e)(5)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)

30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: DLQOR MR 3Q2015 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 3rd quarter of 2015 within the required timeline.

* NOVs applicable for the Compliance History rating period 9/1/2010 to 8/31/2015

Appendix B

All Investigations Conducted During Component Period February 09, 2011 and February 09, 2016

		(906536)
Item 1*	April 07, 2011**	For Informational Purposes Only
		(915138)
Item 2	June 01, 2011**	For Informational Purposes Only
		(963101)
Item 3	November 10, 2011**	For Informational Purposes Only
		(1042664)
Item 4	January 15, 2013**	For Informational Purposes Only
		(1179708)
Item 5	July 21, 2014**	For Informational Purposes Only
		(1197714)
Item 6	October 10, 2014**	For Informational Purposes Only
		(1218308)
Item 7	January 27, 2015**	For Informational Purposes Only
		(1308198)
Item 8	February 04, 2016	For Informational Purposes Only
		(1308371)
Item 9	February 05, 2016	For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2010 and 08/31/2015.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
HORSEMANS RANCH MORGAN
MILL HOMEOWNERS
ASSOCIATION INCORPORATED
RN104497441**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2016-0223-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Horsemans Ranch Morgan Mill Homeowners Association Incorporated (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located on an unnamed road, approximately 1.5 miles north of the intersection of United States Highway 281 and County Road 144 near Stephenville, Erath County, Texas (the "Facility") that has approximately 25 service connections and serves at least 25 people per day for at least 60 days per year.
2. During a record review conducted on January 25, 2016 through February 5, 2016, TCEQ staff documented that the Respondent did not submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director by the tenth day of the month following the end of each quarter for the first through third quarters of 2015.
3. During a record review conducted on January 25, 2016 through February 5, 2016, TCEQ staff documented that the Respondent did not collect raw groundwater source *Escherichia coli* samples from the Facility's two active sources within 24 hours of being notified of a distribution total coliform positive result in December 2011.
4. During a record review conducted on January 25, 2016 through February 5, 2016, TCEQ staff documented that the Respondent did not mail consumer notification of lead tap water monitoring results to persons served at the locations that were sampled and a copy of the consumer notification and certification that the consumer notification has been distributed to the persons served at the locations was not submitted to the TCEQ for the January 1, 2013 through June 30, 2013 and July 1, 2013 through December 31, 2013 monitoring periods.
5. During a record review conducted on January 25, 2016 through February 5, 2016, TCEQ staff documented that the Consumer Confidence Report ("CCR") the Respondent submitted for the year 2014 did not include the following: aquifer name, disinfectant residual data and violations. In addition, language for the Source Water Assessment was incorrect.
6. The Respondent received notice of the violations on or about February 10, 2016.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to collect a raw groundwater source *Escherichia coli* sample from the Facility's two active sources within

24 hours of being notified of a distribution total coliform positive result, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(4)(B).

4. As evidenced by Findings of Fact No. 4, the Respondent failed to mail consumer notification of lead tap water monitoring results to persons served at the locations that were sampled and failed to submit to the TCEQ a copy of the consumer notification and certification that the consumer notification has been distributed to the persons served at the locations in a manner consistent with TCEQ requirements, in violation of 30 TEX. ADMIN. CODE § 290.117(i)(6) and (j).
5. As evidenced by Findings of Fact No. 5, the Respondent failed to meet the adequacy, availability, and/or content requirements for the CCR, in violation of 30 TEX. ADMIN. CODE §§ 290.272 and 290.274(a).
6. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of Five Hundred Fifty Dollars (\$550) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the Five Hundred Fifty Dollar (\$550) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of Five Hundred Fifty Dollars (\$550) as set forth in Section II, Paragraph 7 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Horseman's Ranch Morgan Mill Homeowners Association Incorporated, Docket No. 2016-0223-PWS-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
 - a. Within 10 days after the effective date of this Agreed Order, begin complying with applicable coliform monitoring requirements by collecting on raw groundwater source *Escherichia coli* sample from each groundwater source in use at the time the distribution coliform-positive sample was collected and providing water that meets the provisions regarding microbial contaminants, in accordance with 30 TEX. ADMIN. CODE § 290.109. This provision will be satisfied upon six months of compliant monitoring and reporting.
 - b. Within 30 days after the effective date of this Agreed Order:
 - i. Mail one copy of the consumer notification of lead tap water monitoring results to persons served at the locations that were sampled for the January 1, 2013 through June 30, 2013 and July 1, 2013 through December 31, 2013 monitoring periods in which lead samples were collected, in accordance with 30 TEX. ADMIN. CODE § 290.117;
 - ii. Mail or directly deliver one copy of the complete and accurate CCR prepared using the compliance monitoring data for the year 2014 to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers, as required by 30 TEX. ADMIN. CODE § 290.274; and
 - iii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs, in accordance with 30 TEX. ADMIN. CODE § 290.110.
 - c. Within 45 days after the effective date of this Agreed Order:
 - i. Submit written certification as described in Ordering Provision No. 2.g, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.b;
 - ii. Submit to the Commission a copy of the CCRs provided to customers of the Facility and the certification that the CCRs have been distributed to the customers of the Facility and that the information in the CCRs is

correct and consistent with the compliance monitoring data, as required by 30 TEX. ADMIN. CODE § 290.274. The copy of the CCR and certification shall be mailed to:

Public Drinking Water Section
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- iii. Submit to the Commission a copy of the consumer notification provided to persons served at the locations that were sampled for lead and the certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements, as required by 30 TEX. ADMIN. CODE § 290.117. The copy of the consumer notification and the certification shall be mailed to the address listed in Ordering Provision No. 2.c.ii.
- d. Within 60 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.g., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.c.ii. and 2.c.iii.
- e. Within 90 days after the effective date of this Agreed Order, begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110. This provision will be satisfied upon two consecutive quarters of compliant reporting. DLQORs shall be submitted to:

DLQOR Coordinator
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
- f. Within 205 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.g., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
- g. Within 285 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Public Drinking Water Section Manager
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1)

enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

8. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



8/19/16

For the Executive Director

Date

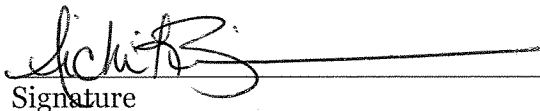
I, the undersigned, have read and understand the attached Agreed Order in the matter of Horseman's Ranch Morgan Mill Homeowners Association Incorporated. I am authorized to agree to the attached Agreed Order on behalf of Horseman's Ranch Morgan Mill Homeowners Association Incorporated, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Horseman's Ranch Morgan Mill Homeowners Association Incorporated waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

4/10/2016
Date

Nicki Zimmerman
Name (Printed or typed)

Business Manager
Title

Authorized Representative of

Horseman's Ranch Morgan Mill Homeowners Association Incorporated

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section III, Paragraph 1 of this Agreed Order.